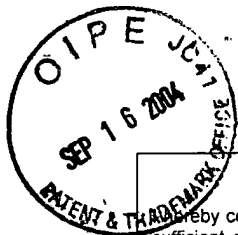


IFW


**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: September 14, 2004 Name: Susan D. Reinecke, Reg. No. 40,198 Signature: [Signature]

**BRINKS  
HOFFER  
GILSON  
& LIONE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: Benjamin Atkinson

Appln. No.: 10/808,104

Filed: March 24, 2004

For: EVIDENCE-BASED EXTENDER SYSTEM

Attorney Docket No: 12180/4

Examiner: N/A

Art Unit: 3626

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir:

**Attached is/are:**

- ☒ Transmittal Letter (in duplicate, 1 page each); Information Disclosure Statement (in duplicate, 5 pages each); PTO Form 1449 (3 pages); copies of 54 references.
- ☒ Return Receipt Postcard

**Fee calculation:**

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

**Fee payment:**

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Date

9/14/04

Respectfully submitted,

[Signature]  
Susan D. Reinecke (Reg. No. 40,198)



# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

9-14-04

Date of Deposit

Susan D. Reinecke, Reg. No. 40,198

Name of Applicant, Assignee or  
Registered Representative

*Susan D. Reinecke*

Signature

9-14-04

Date of Signature

Our Case No.: 12180/4

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Benjamin Atkinson

Serial No.: 10/808,104

Filing Date: March 24, 2004

For: EVIDENCE-BASED EXTENDER  
SYSTEM

Examiner: Not Assigned Yet

Group Art Unit No.: 3626

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and

made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

The references now cited are the following:

No.	Date	Name
US2002/0007285 A1	01/17/2002	Rappaport
US2002/0026103 A1	02/28/2002	Norris et al.
US2002/0026105 A1	02/28/2002	Drazen
US2003/0036683 A1	02/20/2003	Kehr et al.
US2003/0046107 A1	03/06/2003	Eisenberg et al.
US2003/0046113 A1	03/06/2003	Johnson et al.
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US2002/0062230 A1	05/23/2002	Morag et al.
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US2002/0077848 A1	06/20/2002	Campbell
US2002/0091687 A1	07/11/2002	Eglington
US2003/0110059 A1	06/12/2003	Janas, III et al.
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US2002/0147615 A1	10/10/2002	Doerr et al.
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5,619,991	04/15/1997	Sloane
5,964,700	10/12/1999	Tallman et al.
6,029,138	02/22/2000	Khorasani et al.
6,149,585	11/21/2000	Gray
6,188,988 B1	02/13/2001	Barry et al.

#### **OTHER ART:**

Dolan, Kerry A., <i>Forbes Magazine</i> , November 17, 2003, "Modernizing Medical Research", Obtained at Internet address: <a href="http://www.forbes.com">www.forbes.com</a> – Magazine Article, Downloaded on July 7, 2004, 2 pages.
Rodysill, Kirk J., "Increasing Physician Productivity Using a Physician Extender: A Study in an Outpatient Group Practice at the Mayo Clinic", <i>Journal of Medical Practice Management</i> , September/October 2003, pp. 110-114.
Petros, Peter, "Non-Linearity in Clinical Practice", <i>Journal of Evaluation in Clinical Practice</i> , Vol. 9, No. 2, 2003, pp. 171-178.
Hofmann, Bjørn, "The Paradox of Health Care", <i>Health Care Analysis</i> , Vol. 9, 2001, pp. 369-386.

Trevena, Lyndal and Alexandra, Barratt, <i>"Integrated Decision Making: Definitions for a New Discipline"</i> , Patient Education and Counseling, Vol. 50, 2003, pp. 265-268.
Fos, Rein; Houtepen, Rob and Horstman, Klasien, <i>"Evidence-Based Medicine and Power Shifts in Health Care Systems"</i> , Health Care Analysis, Vol. 10, 2002, pp. 319-328.
Dickenson, Donna and Vineis, Paolo, <i>"Evidence-Based Medicine and Quality of Care"</i> , Health Care Analysis, Vol. 10, 2002, pp. 243-259.
Werk, Lloyd N.; Bauchner, Howard; and Chessare, John B., <i>"Medicine for the Millennium"</i> . Contemporary Pediatrics Archive, December 1, 1999, Obtained at Internet Address: <a href="http://www.contemporarypediatrics.com">www.contemporarypediatrics.com</a> , Downloaded August 25, 2003, 16 pages.
Jadad, Alejandro; Haynes, R. Brian; Hunt, Dereck, and Browman, George P., <i>"The Internet and Evidence-Based Decision-Making: A Needed Synergy for Efficient Knowledge Management in Health Care"</i> , CMAJ, 2000; 162(3), pp. 362-365.
Clinicians for the Restoration of Autonomous Practice (CRAP) Writing Group, <i>"EBM: Unmasking the Ugly Truth"</i> , BMJ, December 2002, Volume 325, pp. 1496-1498.
Christensen, Clayton M.; Bohmer, Richard, and Kenagy, John, <i>"Will Disruptive Innovations Cure Health Care?"</i> , Harvard Business Review, September-October 2000, pp. 102-112.
McLean, Thomas R., <i>"Crossing the Quality Chasm: Autonomous Physician Extenders will Necessitate a Shift to Enterprise Liability Coverage for Health Care Delivery"</i> , Health Matrix, Volume 12:239, 2002, pp. 239-295.
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Barkin, Roger M., <i>"Directions for Statutory Change, The Physician Extender"</i> , AJPH, December, 1974, Volume 64, No. 12, pp. 1132-1137.
Kuszler, Patricia C., <i>"Telemedicine and Integrated Health Care Delivery: Compounding Malpractice Liability"</i> , American Journal of Law & Medicine; 1999, Volume 25, Issue 2/3, pp. 297-327, 30p.
Eastough, Steven R., <i>"PEs: An Efficient Solution To Primary Care Maldistribution"</i> , Hospital Progress, February 1981, pp. 32-35.
Greathouse, Davis G.; Schreck, Richard C.; Benson, Cindy J., <i>"The United States Army Physical Therapy Experience: Evaluation and Treatment of Patients With Neuromusculoskeletal Disorders"</i> , JOSPT, Volume 19, Number 5, May 1994, pp. 261-266.
Benjamin, John T., <i>"Telemedicine: A Physician Extender in the Delivery of Primary Pediatric Care"</i> , VMQ, Summer (July/Aug/Sept), 1996, pp. 180-81.
Benson, Cindy J.; Schreck, Richard C.; Underwood, Frank B.; Greathouse, David G., <i>"The Role of Army Physical Therapists as Nonphysician Health Care Providers Who Prescribe Certain Medications: Observations and Experiences"</i> , Physical Therapy, Volume 75, Number 5, May 1995, pp. 380/49-386/55.

Ferraro, Kenneth F.; Southerland, Tammy, "Domains of Medical Practice: Physicians' Assessment of the Role of Physician Extenders", <i>Journal of Health and Social Behavior</i> , Vol. 30, June 1989, pp. 192-205.
Gambert, Steven R.; Rosenkranz, Wilbur E.; Basu, Sailendra N.; Jewell, Kay E.; Winga, Edward R., <i>Role of The Physician Extender in the Long-Term Care Setting</i> , <i>Wisconsin Medical Journal</i> , Vol. 82, September 1983, pp. 30-32.
Hayes, Robert H.; Pierce, Barbara; Seymour, Marilyn; Francois, Paul, "University of South Dakota School of Medicine Physician Extender Program: Proposal For A New Primary Health Care Team", December 1978, pp. 7-17.
Strauss, Bella, "The Physician Extender: His Achievement And Potential", <i>Bull. N.Y. Acad. Med.</i> , Vol. 52, No. 9, November 1976, pp. 1140-1143.
Schneider, Donald P.; Foley, William J., "A Systems Analysis of the Impact of Physician Extenders on Medical Cost and Manpower Requirements", <i>Medical Care</i> , Vol. XV, No. 4, April 1977, pp. 277-297.
Tennant, Forest S., Jr., "Physician Extender Protocols for Urgent Situations in Drug and Alcohol Clinics", <i>Journal of Psychedelic Drugs</i> , Vol. 11(3), Jul-Sep 1979, pp. 211-215.
Romm, Joseph; Berkowitz, Alan; Cahn, Marjorie A.; Cornely, Paul B.; Kerlin, Barbara; Morris, Stephen B., "The Physician Extender Reimbursement Experiment", <i>The Journal of Ambulatory Care Management</i> , May 1979, pp. 1-12.
Charles, Gerald; Stimson, David H.; Maurier, Michael D., "A Physician Extender Training Program Based on Clinical Algorithms", <i>The Western Journal of Medicine</i> , Vol. 27, No. 1, July 1977, pp. 63-68.
Fink, Joseph L., III, "Physician Extender and Therapy by Prescription", <i>Pennsylvania Medicine</i> , August 1975, pp. 65-67.
Glenn, John K.; Goldman, Jay, "Task Delegation to Physician Extenders -- Some Comparisons", <i>AJPH</i> , Vol. 66, No. 1, January 1976, pp. 64-66.

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to

these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan D. Reinecke", is written over a horizontal line.

Susan D. Reinecke  
Registration No. 40,198  
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(312) 321-4200



FORM PTO-1449	SERIAL NO. 10/808,104	CASE NO. 12180/4
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE March 24, 2004	GROUP ART UNIT 3626
(use several sheets if necessary)		APPLICANT(S): Benjamin Atkinson

# REFERENCE DESIGNATION

# U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	US2002/0007285 A1	01/17/2002	Rappaport		
	A2	US2002/0026103 A1	02/28/2002	Norris et al.		
	A3	US2002/0026105 A1	02/28/2002	Drazen		
	A4	US2003/0036683 A1	02/20/2003	Kehr et al.		
	A5	US2003/0046107 A1	03/06/2003	Eisenberg et al.		
	A6	US2003/0046113 A1	03/06/2003	Johnson et al.		
	A7	US2003/0061065 A1	03/27/2003	Keeley		
	A8	US2002/0062230 A1	05/23/2002	Morag et al.		
	A9	US2002/0072933 A1	06/13/2002	Vonk et al.		
	A10	US2002/0077848 A1	06/20/2002	Campbell		
	A11	US2002/0091687 A1	07/11/2002	Eglington		
	A12	US2003/0110059 A1	06/12/2003	Janas, III et al.		
	A13	US/2002/0120471 A1	08/29/2002	Drazen		
	A14	US2003/0144877 A1	07/31/2003	Goldmann et al.		
	A15	US2002/0147614 A1	10/10/2002	Doerr et al.		
	A16	US2002/0147615 A1	10/10/2002	Doerr et al.		
	A17	US2003/0149597 A1	08/07/2003	Zaleski		
	A18	US2003/0181792 A1	09/25/2003	Seyko		
	A19	US2002/0194022 A1	12/19/2002	Comite		
	A20	US2003/0204415 A1	10/30/2003	Knowlton		
	A21	5,619,991	04/15/1997	Sloane		
	A22	5,964,700	10/12/1999	Tallman et al.		
	A23	6,029,138	02/22/2000	Khorasani et al.		
	A24	6,149,585	11/21/2000	Gray		
	A25	6,188,988 B1	02/13/2001	Barry et al.		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>	
	A26	Dolan, Kerry A., <i>Forbes Magazine</i> , November 17, 2003, "Modernizing Medical Research", Obtained at Internet address: <a href="http://www.forbes.com">www.forbes.com</a> – Magazine Article, Downloaded on July 7, 2004, 2 pages.
	A27	Rodysill, Kirk J., "Increasing Physician Productivity Using a Physician Extender: A Study in an Outpatient Group Practice at the Mayo Clinic", <i>Journal of Medical Practice Management</i> , September/October 2003, pp. 110-114.
	A28	Petros, Peter, "Non-Linearity in Clinical Practice", <i>Journal of Evaluation in Clinical Practice</i> , Vol. 9, No. 2, 2003, pp. 171-178.
EXAMINER		DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	A29	Hofmann, Bjørn, "The Paradox of Health Care", <i>Health Care Analysis</i> , Vol. 9, 2001, pp. 369-386.
	A30	Trevena, Lyndal and Alexandra, Barratt, "Integrated Decision Making: Definitions for a New Discipline", <i>Patient Education and Counseling</i> , Vol. 50, 2003, pp. 265-268.
	A31	Fos, Rein; Houtepen, Rob and Horstman, Klasien, "Evidence-Based Medicine and Power Shifts in Health Care Systems", <i>Health Care Analysis</i> , Vol. 10, 2002, pp. 319-328.
	A32	Dickenson, Donna and Vineis, Paolo, "Evidence-Based Medicine and Quality of Care", <i>Health Care Analysis</i> , Vol. 10, 2002, pp. 243-259.
	A33	Werk, Lloyd N.; Bauchner, Howard; and Chessare, John B., "Medicine for the Millennium": <i>Contemporary Pediatrics Archive</i> , December 1, 1999, Obtained at Internet Address: <a href="http://www.contemporarypediatrics.com">www.contemporarypediatrics.com</a> , Downloaded August 25, 2003, 16 pages.
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	A35	Clinicians for the Restoration of Autonomous Practice (CRAP) Writing Group, "EBM: Unmasking the Ugly Truth", <i>BMJ</i> , December 2002, Volume 325, pp. 1496-1498.
	A36	Christensen, Clayton M.; Bohmer, Richard, and Kenagy, John, "Will Disruptive Innovations Cure Health Care?", <i>Harvard Business Review</i> , September-October 2000, pp. 102-112.
	A37	McLean, Thomas R., "Crossing the Quality Chasm: Autonomous Physician Extenders will Necessitate a Shift to Enterprise Liability Coverage for Health Care Delivery", <i>Health Matrix</i> , Volume 12:239, 2002, pp. 239-295.
	A38	Nichols, Andrew W., "Physician Extenders, the Law, and the Future", <i>The Journal of Family Practice</i> , Vol. 11, No. 1, 1980, pp. 101-108.
	A39	Barkin, Roger M., "Directions for Statutory Change, The Physician Extender", <i>AJPH</i> , December, 1974, Volume 64, No. 12, pp. 1132-1137.
	A40	Kuszler, Patricia C., "Telemedicine and Integrated Health Care Delivery: Compounding Malpractice Liability", <i>American Journal of Law &amp; Medicine</i> ; 1999, Volume 25, Issue 2/3, pp. 297-327, 30p.
	A41	Eastaugh, Steven R., "PEs: An Efficient Solution To Primary Care Maldistribution", <i>Hospital Progress</i> , February 1981, pp. 32-35.
	A42	Greathouse, Davis G.; Schreck, Richard C.; Benson, Cindy J., "The United States Army Physical Therapy Experience: Evaluation and Treatment of Patients With Neuromusculoskeletal Disorders", <i>JOSPT</i> , Volume 19, Number 5, May 1994, pp. 261-266.
	A43	Benjamin, John T., "Telemedicine: A Physician Extender in the Delivery of Primary Pediatric Care", <i>VMQ</i> , Summer (July/Aug/Sept), 1996, pp. 180-81.
	A44	Benson, Cindy J.; Schreck, Richard C.; Underwood, Frank B.; Greathouse, David G., "The Role of Army Physical Therapists as Nonphysician Health Care Providers Who Prescribe Certain Medications: Observations and Experiences", <i>Physical Therapy</i> , Volume 75, Number 5, May 1995, pp. 380/49-386/55.
	A45	Ferraro, Kenneth F.; Southerland, Tammy, "Domains of Medical Practice: Physicians' Assessment of the Role of Physician Extenders", <i>Journal of Health and Social Behavior</i> , Vol. 30, June 1989, pp. 192-205.

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	A46	Gambert, Steven R.; Rosenkranz, Wilbur E.; Basu, Sailendra N.; Jewell, Kay E.; Winga, Edward R., <i>Role of The Physician Extender in the Long-Term Care Setting, Wisconsin Medical Journal</i> , Vol. 82, September 1983, pp. 30-32.
	A47	Hayes, Robert H.; Pierce, Barbara; Seymour, Marilyn; Francois, Paul, "University of South Dakota School of Medicine Physician Extender Program: Proposal For A New Primary Health Care Team", December 1978, pp. 7-17.
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	A51	Romm, Joseph; Berkowitz, Alan; Cahn, Marjorie A.; Cornely, Paul B.; Kerlin, Barbara; Morris, Stephen B., "The Physician Extender Reimbursement Experiment", <i>The Journal of Ambulatory Care Management</i> , May 1979, pp. 1-12.
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